

RECEIVED

MAY 3 - 2001

REMARKS/ARGUMENTS

Technology Center 2100

The Applicant has carefully considered this application in connection with the Examiner's Action and respectfully requests reconsideration of this application in view of the following remarks. Claims 1, 3-8, 10-15, and 17-21 are currently pending in the application.

I. Rejection of Claims 1, 3-8, 10-15, and 17-21 under 35 U.S.C. §103

The Examiner has rejected Claims 1-3, 5-10, 12-17, and 19-21 under 35 U.S.C. §103(a) as being unpatentable over Kenner, *et al.*, U.S. Patent No. 6,003,030 ("Kenner") in view of Wada, *et al.*, U.S. Patent No. 5,845,079 ("Wada").

As recited in a previous Request for Reconsideration, Kenner is directed to the optimized storage and retrieval of video data at distributed sites throughout a computer network, such as the Internet. Kenner introduces the concept of "Smart Mirror" sites, each of which contain a copy of certain data that to which a user may wish to gain access. Each user preconfigures his terminal for subsequent downloads by conducting a fairly extensive analysis of network performance with respect to each "Smart Mirror" site. "Smart Mirror" sites are then prioritized based on this performance analysis, allowing a particular "Smart Mirror" site to be later selected to optimize downloading of the sought data. It is clear that Kenner's fundamental emphasis and motivation is the efficiency of data transfer through a network. Wada teaches a mobile migration communication control device that is available to any apparatus on existing networks. Wada allows continuous communication

between a mobile node and a node unaffected by the mobile node's migration and also includes a migration post transmission unit.

Unfortunately, the combination of Kenner and Wada fails to teach or suggest all of the limitations of Claims 1, 8 or 15.

As recited in a previous Request for reconsideration, Kenner does not teach (1) an address parser that makes a determination of whether a site is said mobile site or a fixed site, (2) a mirror site that contains a time-delayed copy of data present at the mobile site or (3) a communications manager that manages communication such that, when the site is a mobile site, either to the mobile site when the mobile site is in wireless communication with the computer network or to the mirror site when the mobile site is out of wireless communication with the computer network.

The Examiner has suggested that "Wada discloses a communication manager (communication control unit 4 of FIG. 2 and FIG. 3) that manages communication with site based on determination when the site is the mobile site, either to mobile site when mobile site is available in a wireless communication with the network or the mobile site is out of wireless communication with said network . . ." (Examiner's Action, page 3). The Applicant respectfully disagrees with the Examiner. The Applicant has tried in vain to find any mention of a wireless communication. The columns and figures to which the Examiner disclose "mobile nodes", these "mobile nodes" are not the mobile site that may be "in wireless communication with said computer network . . ." of the present Application.

Therefore, the combination of Kenner and Wada fails to teach or suggest all of the limitations of Claims 1, 8 and 15. Further, the combination of Kenner and Wada is deficient,

RECEIVED

-3-

MAY 3 - 2001

Technology Center 2100

because Kenner provides no motivation to one having ordinary skill in the art as to manage a particular "Smart Mirror."

The Examiner has further added Adiwoso, *et al.*, (U.S. Patent No. 5,963,862) to the combination in crafting a rejection of Claims 4, 11 and 18. However, the Examiner cites Adiwoso only for the proposition that buffering is known. The Applicant agrees that buffering as a general concept is known, but buffering in the context of the management of mobile sites as recited in Claims 4, 11 and 18 is not known. Given the insufficiency of the combination of Kenner and Wada with respect to Claims 1, 8 and 15, the addition of Adiwoso with respect to Claims 4, 11 and 18 fails to compensate.

In view of the foregoing remarks, the cited references do not support the Examiner's rejection of Claims 1, 3-8, 10-15, and 17-21 under 35 U.S.C. §103(a). The Applicant therefore respectfully requests the Examiner withdraw the rejection.

RECEIVED
MAY 3 - 2001
Technology Center 2100

II. Conclusion

The Applicant now sees all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicits a Notice of Allowance for Claims 1, 3-8, 10-15, and 17-21.

RECEIVED

MAY 3 - 2001

Technology Center 2100

Respectfully submitted,

HITT GAINES & BOISBRUN, P.C.



David H. Hitt
Registration No. 33,182

Dated: APRIL 27, 2001

P.O. Box 832570
Richardson, Texas 75083
(972) 480-8800